

ORDER BELOW EXH.27

Application of plaintiff for seeking time to file say – Other side to say. Say filed by defendants-

ORDER

This application is moved by the plaintiffs for seeking time to file say to the application which is at Exh.22. It is submitted on behalf of the plaintiffs that this matter is fixed on today's board for filing say on Exh.22. Said application at Exh.22 was filed through online mode. But, the plaintiffs were unable to see that application online. Hence, learned advocate of the plaintiffs was not having knowledge of that application. Today, he received copy of Exh.22 by offline mode. Therefore, he prayed for granting some time for filing say on application below Exh.22.

2. The defendants filed say on this application contending that the plaintiffs obtained order of status quo on Exh.15 on 25.03.2026, because the plaintiffs do not wish to argue Exh.5 on merit, they have strong objection to the present application. They have prayed for hearing on Exh.5 by today itself and status quo which was given below Exh.15 should be vacated immediately.

3. Heard both sides. It transpired that exparte status quo order was passed as contended by the defendants. As per the amendment introduced in the nature of proviso to Order XXXIX, Rule 3(A), the court is expected to finally dispose off the injunction application within 30 days from the date of granting exparte injunction or status quo order. However, the expiry of 30 days does not automatically vacate the exparte order. The exparte status order can continue beyond 30 days with speaking order of the court. Peculiar facts and circumstances of this case are that, the learned advocate Shri. S.J. Kshirsagar appeared today on record on behalf of the defendants no.1 and 2. Today, I considered all their difficulties which they are suffering due to the status quo order after hearing himself at length. On last dates, his V.P, could not be taken on record as there was no "no objection" from the previous learned advocate of the defendants no.1 and 2. Moreover, today the server is down and internet facility available to this court is not functioning. The learned advocate of the plaintiffs submitted that he is unable to see the online applications which were filed on behalf of the defendants no.1 and 2 online.

During his argument, he also showed on his mobile handset that how he is unable to see the online applications filed by the defendants no.1 and 2. I am of the considered opinion that non functioning of internet facility to the court or inability to see the applications on behalf of the defendants no.1 and 2 online as such technical things of which court is not in control of. Accuracy and performance of technology is not the matter in issue before the court at this point of time. Moreover, no contradictory circumstances are made out by the defendants no.1 and 2 which could show that the learned advocate of the plaintiffs is submitting false or he has any malicious intentions in doing so. I find no reason to disbelieve him at this point of time. In **A. Venkatasubbiah Naidu V/s. S. Chellappan (2000) 7 SCC 695**, the Hon'ble Supreme court held that Order XXXIX, Rule 3(A) is directory and not mandatory, therefore, mere lapse of 30 days does not automatically terminate the injunction. The proper course is expeditious disposal with reasons for delay. On considering the technical lapses in the present case, I am of the opinion that principles of natural justice, "hear the other side" cannot be overlooked. Therefore, there is a requirement to facilitate the plaintiffs with some reasonable time to file say on the number of applications filed by the defendants no.1 and 2. Hence, I proceed to pass the following order -

ORDER

Next date in this matter is kept on 07.05.2026 and the plaintiffs are directed to file their say on whichever applications it is called in this matter on that date without fail.

Date: 27/04/2026
Place: Karmala

(Smt.S.P. Kulkarni)
2ndJt. Civil Judge J.D., Karmala.